

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DANIEL MORRISON,

Plaintiff(s),

CASE NUMBER: 07-14107

HONORABLE VICTORIA A. ROBERTS

v.

COMMISSIONER OF SOCIAL SECURITY,

Defendant(s).

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ORDER ADOPTING REPORT AND RECOMMENDATION

On October 6, 2008, Magistrate Judge Mona K. Majzoub submitted a Report and Recommendation (Doc. #11) recommending that the Court: (1) DENY Plaintiff Daniel Morrison's "Motion for Summary Judgment" (Doc. #8); (2) DENY Defendant Commissioner of Social Security's "Motion for Summary Judgment" (Doc. #9); and (3) REMAND the case for further factual development.

Because the Court has not received objections from either party within the time frame provided for in 28 U.S.C. §636(b)(1) and E.D. Mich. LR 72.1(d)(3), the Court adopts the Magistrate Judge's Report and Recommendation. Plaintiff's motion is **DENIED**; Defendant's motion is **DENIED**; and the case is **REMANDED**.

On remand, the Administrative Law Judge ("ALJ") must provide the vocational expert ("VE") a hypothetical question that incorporates Plaintiff's limitations and asks the VE to identify jobs available based on the hypothetical. For each available job, the VE must supply a Dictionary of Occupational Titles ("DOT") code and state the number of jobs available in the national economy. In addition, the ALJ must ask the VE if the

evidence he or she provided conflicts with information provided in the DOT. If so, the VE must provide a reasonable explanation for the conflict and the basis for the explanation. And, the ALJ “must resolve this conflict before relying on the VE . . . evidence to support a determination or decision that [Plaintiff] is or is not disabled. The [ALJ] will explain in the determination or decision how he or she resolved the conflict.” SSR 00-4p.

IT IS ORDERED.

/s/ Victoria A. Roberts
Victoria A. Roberts
United States District Judge

Dated: October 28, 2008